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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 AMANDA LEA SEXTON and TONEY }
8 ANTHONY WHITE, }
9 Plaintiffs, }
10 v. }
11 COUNTY OF CLARK NEVADA et al., }
12 Defendants. }
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2:16-cv-00734-RFB-VCF
ORDER

I. DISCUSSION

On April 21, 2016, this Court issued an order noting that Plaintiff Sexton had submitted an incomplete application to proceed *in forma pauperis* and that Plaintiff White had not submitted any application to proceed *in forma pauperis*. (ECF No. 2 at 1). The Court denied Plaintiff Sexton's application to proceed *in forma pauperis* without prejudice. (*Id.*). The Court directed Plaintiffs Sexton and White to either (1) individually file fully complete applications to proceed *in forma pauperis* or (2) pay the full \$400 for filing a civil action within 30 days from the date of that order. (*Id.* at 2).

On May 2, 2016, Plaintiff White filed one page of the application to proceed *in forma pauperis*. (ECF No. 3). Plaintiff White's application to proceed *in forma pauperis* is incomplete. On May 9, 2016, Plaintiffs filed an amended complaint. (ECF No. 4). On May 13, 2016, Plaintiffs filed a motion to amend/correct complaint and a motion to receive a copy of the local rules and copies of their original complaint. (ECF No. 5, 6).¹ In those motions, Plaintiffs stated that Plaintiff White has submitted a completed application to proceed *in forma pauperis* and that Plaintiff Sexton's application is "pending." (ECF No. 5 at 1). Plaintiffs also

¹ The two motions are identical. (See ECF No. 5, 6).

1 requested copies of the local rules and copies of their initial complaint for each of them. (*Id.*).
2 On May 19, 2016, Plaintiff filed another application to proceed *in forma pauperis*. (ECF No.
3 7). This application is also incomplete.

4 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, each Plaintiff must
5 complete an application to proceed *in forma pauperis* and attach both an inmate account
6 statement for the past six months and a properly executed financial certificate. Plaintiff White
7 has not submitted a completed application to proceed *in forma pauperis*, a properly executed
8 financial certificate, or an inmate account statement.² (See ECF No. 3). As such, Plaintiff
9 White's *in forma pauperis* application is denied without prejudice. Plaintiff White will be
10 granted one final opportunity to cure the deficiencies of his application to proceed *in forma*
11 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff White chooses
12 to file a new application to proceed *in forma pauperis*, he must file a fully complete application
13 to proceed *in forma pauperis*. If Plaintiff White files another incomplete application to proceed
14 *in forma pauperis*, the Court will dismiss Plaintiff White from the case in its entirety, without
15 prejudice, to file a new case when Plaintiff White is able to acquire the necessary documents
16 to file a complete application to proceed *in forma pauperis*.

17 Plaintiff Sexton's application to proceed *in forma pauperis* is incomplete because she
18 has not included an inmate account statement. (See ECF No. 7). The Court denies Plaintiff
19 Sexton's application to proceed *in forma pauperis* without prejudice. Plaintiff Sexton will also
20 be granted one final opportunity to cure the deficiencies of her application to proceed *in forma*
21 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff Sexton files
22 another incomplete application to proceed *in forma pauperis*, the Court will dismiss Plaintiff
23 Sexton from the case in its entirety, without prejudice, to file a new case when Plaintiff Sexton
24 is able to acquire the necessary documents to file a complete application to proceed *in forma*
25 *pauperis*.

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27 ² The application to proceed *in forma pauperis* is four pages long. The financial
28 certificate is on page 4 of the application and must be completed by the inmate and a properly
authorized jail or prison official.

1 With respect to the motion to amend the complaint, the Court grants the motion. (ECF
2 No. 5). However, the Court is unclear whether the amended complaint submitted on May 9,
3 2016 (ECF No. 4) is the operative amended complaint. If the May 9, 2016, amended
4 complaint is the operative amended complaint, Plaintiffs must notify the Court in writing on or
5 before Wednesday, June 22, 2016. Additionally, if Plaintiffs intend to file a second amended
6 complaint, they must do so on or before Wednesday, June 22, 2016.

7 With respect to the copy of the local rules, the Court grants the motion in part. The
8 Court directs the Clerk of the Court to send each Plaintiff Sexton and Plaintiff White a copy of
9 the District of Nevada's Local Rules of Practice sections IA Introduction (LR IA 1-1 through LR
10 IA 11-8) and Part V Special Proceedings and Appeals (LSR 1-1 through LSR 6-3).

11 The Court denies Plaintiffs' request for copies of the complaint for each of them. The
12 Court cannot provide copies or mailing service for parties, even indigent plaintiffs proceeding
13 *in forma pauperis*. If Plaintiffs wish to receive copies of electronically filed documents from the
14 Court, the cost is \$0.10 per page. See Local Rule IC 1-1(i)(5). If Plaintiffs wish to receive a
15 file-stamped copy of any pleading or other paper, Plaintiffs must include one (1) additional
16 copy for that purpose in their mail filing.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the applications to proceed *in forma*
19 *pauperis* (ECF No. 3, 7) are DENIED without prejudice to file a new application.

20 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff White
21 and Plaintiff Sexton each the approved form application to proceed *in forma pauperis* by a
22 prisoner, as well as the document entitled information and instructions for filing an *in forma*
23 *pauperis* application.

24 IT IS FURTHER ORDERED that **on or before Wednesday, June 22, 2016**, Plaintiffs
25 Sexton and White shall either: (1) individually file a fully complete application to proceed *in*
26 *forma pauperis*, on the correct form with complete financial attachments in compliance with
27 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350
28 filing fee and the \$50 administrative fee).

1 IT IS FURTHER ORDERED that, if Plaintiffs Sexton or White's next application to
2 proceed *in forma pauperis* is incomplete, the Court will dismiss that plaintiff from the case,
3 without prejudice, for that plaintiff to file a new case when she or he is able to acquire the
4 necessary documents to file a complete application to proceed *in forma pauperis*.

5 IT IS FURTHER ORDERED that if Plaintiffs do not timely file their applications to
6 proceed *in forma pauperis*, dismissal of this action may result.

7 IT IS FURTHER ORDERED that the motion to amend/correct complaint (ECF No. 5)
8 is granted.

9 IT IS FURTHER ORDERED that if Plaintiffs intend to file a second amended complaint,
10 Plaintiffs shall file the second amended complaint **on or before Wednesday, June 22, 2016**.
11 If Plaintiffs intend for the amended complaint submitted on May 9, 2016 (ECF No. 4) to be the
12 operative complaint, Plaintiffs must notify the Court in writing **on or before Wednesday, June**
13 **22, 2016**.

14 IT IS FURTHER ORDERED that the motion for copy of local rules (ECF No. 6) is
15 granted in part. The Clerk of the Court shall send each Plaintiff a copy of the District of
16 Nevada's Local Rules of Practice sections IA Introduction (LR IA 1-1 through LR IA 11-8) and
17 Part V Special Proceedings and Appeals (LSR 1-1 through LSR 6-3).

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19 DATED: This 23rd day of May, 2016.



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21 United States Magistrate Judge
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